

FILED

UNITED STATES DISTRICT COURT

District of South Dakota, Western Division

DEC 30 2009

UNITED STATES OF AMERICA

JUDGMENT IN A CRIMINAL CASE

  
CLERK

vs.

JOSE MANUEL RAMIREZ-GARCIA

Case Number: 5:09-CR-50113-001

USM Number: 10590-273

George E. Grassby

Defendant's Attorney

**THE DEFENDANT:**

- pleaded guilty to count I of the Indictment
- pleaded nolo contendere to count(s) which was accepted by the court.
- was found guilty on count(s) after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

<u>Title &amp; Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count</u>
8 U.S.C. § 1326(a)	Illegal Reentry After Deportation	11/11/2009	I

The defendant is sentenced as provided in this judgment. The sentence is imposed pursuant the statutory and constitutional authority vested in this court.

- The defendant has been found not guilty on count(s) \_\_\_\_\_
- Count(s) \_\_\_\_\_ is  are dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of any material changes in economic circumstances.

December 29, 2009

Date of Imposition of Judgment

  
Signature of Judge

Jeffrey L. Viken, United States District Judge

Name and Title of Judge

December 30, 2009

Date

DEFENDANT: **JOSE MANUEL RAMIREZ-GARCIA**  
CASE NUMBER: 5:09-CR-50113-001

### **IMPRISONMENT**

- The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of time served, no supervision to follow. **IT IS FURTHER ORDERED** the mandatory drug testing condition is suspended based on the Court's determination the defendant poses a low risk of future substance abuse in the United States because he will be deported. **IT IS FURTHER ORDERED** that the defendant cooperate in the collection of DNA, pursuant to 18 U.S.C. §§ 3563(a)(9) and 3583(d).
- The court makes the following recommendations to the Bureau of Prisons:
  
- The defendant is remanded to the custody of the United States Marshal.
- The defendant shall surrender to the United States Marshal for this district:
  - at \_\_\_\_\_  a.m.       p.m. on \_\_\_\_\_.
  - as notified by the United States Marshal.
- The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:
  - before 2 p.m. \_\_\_\_\_.
  - as notified by the United States Marshal.
  - as notified by the Probation or Pretrial Services Offices.

### **RETURN**

I have executed this judgment as follows:

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Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: **JOSE MANUEL RAMIREZ-GARCIA**  
CASE NUMBER: **5:09-CR-50113-001**

### CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties under the schedule of payments on Sheet 6.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
<b>TOTALS</b>	\$ Remitted Pursuant to Court Order	\$ waived	\$ -0-

- The determination of restitution is deferred until .  
An *Amended Judgment in a Criminal Case* (AO 245C) will be entered after such determination.
- The defendant must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<u>Name of Payee</u>	<u>Total Loss*</u>	<u>Restitution Ordered</u>	<u>Priority Or Percentage</u>
<b>TOTALS</b>	\$ _____	\$ _____	

- Restitution amount ordered pursuant to plea agreement \$
- The defendant must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on Sheet 6 may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- The court determined that the defendant does not have the ability to pay interest, and it is ordered that:
- the interest requirement is waived for the  fine  restitution.
- the interest requirement for the  fine  restitution is modified as follows:

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994 but before April 23, 1996.